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DEC 04 2006

In re Application of
Luiz B. DaSilva
Application No.: 10/803,574
Filed: March 17, 2004
Attorney Docket No: BL-4 NPROV

: **OFFICE OF PETITIONS**
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: **ON PETITION**
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This is a decision on the petition under 37 CFR 1.137(b), filed, March 13, 2006, to revive the above-identified application.

The decision mailed July 25, 2006, is vacated.


The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed December 1, 2004. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was filed on May 5, 2005, with a request for an extension of time within the second month. On July 26, 2005, a notice was mailed informing applicant that the response of May 5, 2005, was unresponsive and allowed a period of one (1) month from its mailing date to respond. Extensions of the time set for reply were available pursuant to 37 CFR 1.136. A Request for Continued Examination (RCE) was filed on January 30, 2006, with a request for extension of time within the fifth month. On February 2, 2006, applicant was advised that the response of January 30, 2006, would not be entered because prosecution in the application was not closed and the RCE was improper. No further responses were received and the application became abandoned on January 27, 2006. A Notice of Abandonment was mailed on February 14, 2006.

The continuing application, 11/375,873, filed March 13, 2006, is noted.

The application is being forwarded to Technology Center 3700, GAU 3737 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.


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Office of Petitions